

Appl. No. 10/723,005
Amdt.AF dated June 8, 2006
Reply to Final Office Action of April 10, 2006

REMARKS

Applicants have received and carefully reviewed the Final Office Action mailed April 10, 2006. Applicants thank the Examiner for the indication of allowance of claims 16 and 17 and the indication of potential allowability of claims 2 and 12 if rewritten in independent form including the limitations of the base claims and any intervening claims, but believe that all of the claims are patentable. Claim 1 has been amended to include certain elements previously found in claim 2. No new matter has been added as a result of these amendments.

Applicants respectfully traverse the Examiner's rejection of claims 1, 3, 4 and 9 under 35 U.S.C. § 103(a) as unpatentable over Rhodes et al., U.S. Patent No. 3,465,559, in view of Boersma, U.S. Patent No. 4,131,173. One of the requirements of a *prima facie* obviousness rejection is that the cited combination of references must disclose each and every claimed element. At a minimum, this requirement has not been met.

Independent claim 1 (and thus claims 3, 4 and 9 depending therefrom) has been amended to recite that movement of the vehicle is enabled when communication between the vehicle and an authorized key is established. Neither reference describes this claimed element. Indeed, the Rhodes et al. reference is directed to a mechanical remote transmission control. The Boersma reference is directed to an instrument panel cover that may be hingedly secured to an instrument panel. Neither reference describes or suggests the claimed invention in which vehicle movement is enabled once communication is established between an authorized key and the vehicle.

The Rhodes et al. reference and the Boersma reference, even if combined, fail to disclose the claimed invention. Thus, one of the requirements of a *prima facie* obviousness rejection is missing. Therefore, the rejection is flawed and should be withdrawn. Applicants do not concede that there is any motivation to combine the references or that one of skill in the art would have a reasonable expectation of success upon doing so. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 5-8 under 35 U.S.C. § 103(a) as unpatentable over Rhodes et al., U.S. Patent No. U.S. 3,465,559, in view of Boersma, U.S. Patent No. 4,131,173, and further in view of Leigh-Monstevens et al., U.S. Patent No. 5,014,038. Claim 1, from which claims 5-8 depend, has been distinguished above as patentable over the combination of Rhodes et al. and Boersma. Leigh-Monstevens et al. are not believed to

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remedy the noted shortcomings of the other references. Thus, because claim 1 believed patentable, dependent claims 5-8 are believed similarly patentable. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claim 10 under 35 U.S.C. § 103(a) as unpatentable over Rhodes et al., U.S. Patent No. U.S. Patent No. 3,465,559, in view of Boersma, U.S. Patent No. 4,131,173, and further in view of Harada et al., U.S. Patent No. 6,948,469. Claim 1, from which claim 10 depends, has been distinguished above as patentable over the combination of Rhodes et al. and Boersma. Harada et al. do not remedy the noted shortcomings of the other references. Thus, because claim 1 is believed patentable, dependent claim 10 is believed similarly patentable. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 11 and 13 under 35 U.S.C. § 103(a) as unpatentable over Rhodes et al., U.S. Patent No. 3,465,559, in view of Boersma, U.S. Patent No. 4,131,173, and further in view of Flick, U.S. Patent No. 6,812,829. One of the requirements of a *prima facie* obviousness rejection is that the cited combination of references must disclose each and every claimed element. At a minimum, this requirement has not been met.

Independent claim 11 (and hence claim 13 depending therefrom) requires, in part, a controller that invalidates operation of a gearshift operator and an engine operator when communication is not established with an authorized key. As discussed above with respect to claim 1, the Rhodes et al. and Boersma references are directed to mechanical constructs and thus cannot be considered as describing or suggesting the claimed controller. The Flick reference is not believed to remedy the noted shortcomings of the other two references.

The Flick reference is directed to a remote vehicle starting system. Nowhere does Flick disclose or suggest a controller invalidating operation of the gearshift operator and the gearshift. Indeed, as indicated for example in Figure 1, Flick indicates that a vehicle may be started either by placing a key (48) in an ignition switch (27) or by using the remote start controller hardwire interface (42). Therefore, Flick permits starting of the vehicle (by using the key) even when communication with the remote start transmitter has not been established. Thus, the controller does not invalidate operation of the gearshift operator and the engine operator when communication is not established with an authorized key.

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Consequently, the Rhodes et al., Boersma and Flick references fail, either separately or in combination, to disclose all elements of the claimed invention. Thus, one of the requirements of a *prima facie* obviousness rejection is missing. Therefore, the rejection is flawed and should be withdrawn.

With respect to motivation to combine and reasonable expectation of success, Applicants do not believe that there is any reasonable expectation of success (and thus no motivation) to add a remote starting system such as that disclosed by the Flick reference to the mechanical constructs disclosed by the Rhodes et al. and Boersma references. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claim 14 under 35 U.S.C. § 103(a) as unpatentable over Rhodes et al., U.S. Patent No. 3,465,559, in view of Boersma, U.S. Patent No. 4,131,173, and further in view of Flick, U.S. Patent No. 6,812,829, and Leigh-Monstevens et al., U.S. Patent No. 5,014,038.

Claim 11, from which claim 14 depends, has been distinguished above as patentable over the combination of Rhodes et al., Boersma and Flick. Leigh-Monstevens et al. do not remedy the noted shortcomings of the other references. Thus, because claim 11 is believed patentable, dependent claim 14 is believed similarly patentable. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claim 15 under 35 U.S.C. § 103(a) as unpatentable over Rhodes et al., U.S. Patent No. 3,465,559, in view of Boersma, U.S. Patent No. 4,131,173, and further in view of Flick, U.S. Patent No. 6,812,829, Leigh-Monstevens et al., U.S. Patent No. 5,014,038, and Harada et al., U.S. Patent No. 6,948,469.

Claim 14, from which claim 15 depends, has been distinguished above as patentable over the combination of Rhodes et al., Boersma, Flick and Leigh-Monstevens et al. Harada et al. do not remedy the noted shortcomings of the other references. Thus, because claim 14 is believed patentable, dependent claim 15 is believed similarly patentable. Favorable reconsideration is respectfully requested.

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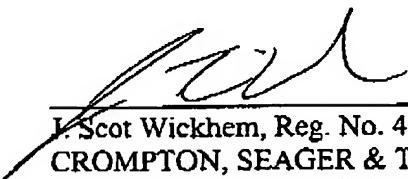
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Appl. No. 10/723,005
Amndt.AF dated June 8, 2006
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Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,
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By their Attorney,

Date: June 8, 2006


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